

representative of rare botanical, geological, or zoological characteristics of principal interest for scientific and research purposes.

(v) **Class V—Primitive areas:** Extensive natural, wild, and undeveloped areas and settings essentially removed from the effects of civilization. Essential characteristics are that the natural environment has not been disturbed by commercial utilization and that the areas are without mechanized transportation.

(vi) **Class VI—Historic and cultural sites:** Sites of major historical or cultural significance, either national, regional, or local. These are usually small tracts of lands containing significant evidence of American history, such as battlegrounds, mining camps, cemeteries, pioneer trails, and trading posts; or lands which contain significant evidence of prehistoric life such as pictographs, petroglyphs, burial grounds, prehistoric structures, middens, fossils, paleontological remains, and any other evidences of prehistoric life forms.

(2) **Recreation sites.** These are relatively small tracts of land which have value for concentrated and intensive recreation use that usually requires construction and maintenance of public facilities. Recreation sites will contain Class I, II, III, or VI recreation lands under the Bureau of Outdoor Recreation classification system described in subparagraph (1) of this paragraph.

(3) **Resource conservation areas.** These are relatively small areas of land which include a variety of resource management activities demonstrating multiple use and sustained yield conservation in action.

§ 1727.2 Standards for names.

(a) To the fullest extent possible, standards established by the Board on Geographic Names will be followed in naming special management areas.

(b) First preference will generally be given to a geographic feature within the site or area if the feature significantly affects the utilization of the natural resources of the area.

(c) No site or area will be named after a living person. An area may be named after a deceased person if that person made a personal contribution to the utilization or management of the natural resources in the area.

(d) For public identification purposes, names of sites and areas designated in

accordance with the regulations in this subpart shall be brief and descriptive.

§ 1727.3 Standards for identification.

Lands designated in accordance with the regulations in this subpart may be—

(a) Posted by means of entrance and boundary signs sufficient to make the lands and the reason for posting known on the ground.

(b) Identified on maps or diagrams sufficient to make the existence and locations known to the general public.

§ 1727.4 Procedure for designating areas and sites.

The sites and areas defined under § 1727.1 may be designated, named, and posted by the authorized officer, after consultation and coordination with the authorized users and any other parties, organizations, and units of government which may have an interest in such action.

§ 1727.5 Effect of designations.

(a) Designation under this section will have no effect upon established use or management of the areas or sites involved.

(b) If changes in the status of the land or use arrangements are desired, such changes must be accomplished by—

(1) Segregation under the Classification and Multiple Use Act regulations in Part 2410 of this chapter;

(2) Withdrawal or reservation under regulations in Subpart 2311 of this chapter or other appropriate authority;

(3) Modification of existing use arrangements, to the extent authorized by existing authority and regulations, such as Subchapter D—Range Management (4000) of this chapter for livestock grazing.

Group 1800—Public Administrative Procedures

PART 1810—INTRODUCTION AND GENERAL GUIDANCE

Subpart 1810—General Rules

Sec.	
1810.1	Rules of construction; words and phrases.
1810.2	Communications by mail; when mailing requirements are met.
1810.3	Effect of laches; authority to bind government.
1810.4	Information required by forms.

Subpart 1811—Qualifications of Applicants

1811.1	Evidence of citizenship status.
1811.1-1	General.

Sec.

- 1811.1-2 Statement required of married women and widows.

Subpart 1812—Qualifications of Practitioners

- 1812.1 General.
1812.1-1 Regulations governing practice before the Department.
1812.1-2 Inquiries.

Subpart 1813—Public Land Records

- 1813.1 Tract books and plats.
1813.1-1 Notations to records.
1813.1-2 Availability of copies.
1813.1-3 Lists of abstracters and attorneys.
1813.1-4 Filing of township plats.
1813.2 Copies of records and papers.
1813.2-1 Homestead entry papers.
1813.2-2 Fees for copies made by managers.
1813.2-3 Fees for certification of copies made by private party.
1813.3 Serial register.
1813.3-1 Inspection of serial register.
1813.4 Production of records in court.
1813.4-1 Statutory authority.

Subpart 1815—Disaster Relief

- 1815.0-5 Definitions.
1815.1 Extensions of time in public land matters.
1815.1-1 Authority.
1815.1-2 Application for relief.
1815.1-3 Requirements for relief.
1815.1-4 Length of extension of time.

AUTHORITY: The provisions of this Part 1810 issued under R.S. 2478; 43 U.S.C. 1201, unless otherwise noted.

SOURCE: The provisions of this Part 1810 appear at 29 F.R. 4314, Mar. 31, 1964, unless otherwise noted.

Subpart 1810—General Rules

§ 1810.1 Rules of construction; words and phrases.

Except where the context of the regulation or of the Act of the Congress on which it is based, indicates otherwise, when used in the regulations of this chapter:

- (a) Words importing the singular include and apply to the plural also;
(b) Words importing the plural include the singular;
(c) Words importing the masculine gender include the feminine as well;
(d) Words used in the present tense include the future as well as the present;
(e) The words "person" and "whoever" include corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals;
(f) "Officer" and "authorized officer" include any person authorized by law or

by lawful delegation of authority to perform the duties described;

(g) "Signature" or "subscription" includes a mark when the person making the same intended it as such;

(h) "Oath" includes "affirmation", and "sworn" includes "affirmed";

(i) "Writing" includes printing and typewriting as well as holographs, and "copies" include all types of reproductions on paper, including photographs, multigraphs, mimeographs and manifolds.

(j) The word "company" or "association", when used in reference to a corporation, shall be deemed to embrace the words "successors and assigns of such company or association", in like manner as if these last-named words, or words of similar import, were expressed.

§ 1810.2 Communications by mail; when mailing requirements are met.

(a) Where the regulations in this chapter provide for communication by mail by the authorized officer, the requirement for mailing is met when the communication, addressed to the addressee at his last address of record in the appropriate office of the Bureau of Land Management, is deposited in the mail.

(b) Where the authorized officer uses the mails to send a notice or other communication not provided for by Subchapter P of this title to any person entitled to such a communication under the regulations of this chapter, that person will be deemed to have received the communication if it was delivered to his last address of record in the appropriate office of the Bureau of Land Management, regardless of whether it was in fact received by him. An offer of delivery which cannot be consummated at such last address of record because the addressee had moved therefrom without leaving a forwarding address or because delivery was refused or because no such address exists will meet the requirements of this section where the attempt to deliver is substantiated by post office authorities.

§ 1810.3 Effect of laches; authority to bind government.

(a) The authority of the United States to enforce a public right or protect a public interest is not vitiated or lost by acquiescence of its officers or agents, or by their laches, neglect of duty, failure to

act, or delays in the performance of their duties.

(b) The United States is not bound or estopped by the acts of its officers or agents when they enter into an arrangement or agreement to do or cause to be done what the law does not sanction or permit.

(c) Reliance upon information or opinion of any officer, agent or employee or on records maintained by land offices cannot operate to vest any right not authorized by law.

[Circ. No. 2143, 29 F.R. 6628, May 21, 1964]

§ 1810.4 Information required by forms.

Whenever a regulation in this chapter requires a form approved or prescribed by the Director of the Bureau of Land Management, the Director may in that form require the submission of any information which he considers to be necessary for the effective administration of that regulation.

[Circ. No. 2177, 30 F.R. 34, Jan. 5, 1965]

Subpart 1811—Qualifications of Applicants

§ 1811.1 Evidence of citizenship status.

§ 1811.1-1 General.

(a) This part does not deal with establishing citizenship by birth.

(b) In cases where proof of citizenship status is required, the manager may accept a statement of the applicant giving the facts as to such status, which statement should include the date of the alleged naturalization or declaration of intention, the title and location of the court in which instituted, and, when available, the number of the document in question, if the proceeding has been had since September 27, 1906. In addition, in cases of naturalization prior to September 27, 1906, there should be given the date and place of the applicant's birth and the foreign country of which he was a citizen or subject. The citizenship showing may be incorporated in any of the forms prescribed for use in connection with the entry of public lands. Where the necessary data have been given, the manager will accept same and proceed with the case.

(c) The manager may accept the following evidence of a party's citizenship status, where proof of such status is required:

(1) A declaration of intention to become a citizen of the United States executed not more than seven years prior to the date of the filing of the public land application (a declaration more than seven years old is invalid); or

(2) An acknowledgment from the clerk of court (Immigration and Naturalization Service Form N-414) of the filing of a petition for naturalization; or

(3) An original certificate of naturalization or duplicate issued by the Immigration and Naturalization Service in lieu of one lost, mutilated or destroyed.

(d) Any document listed in this paragraph will be returned by the Bureau of Land Management to the party entitled thereto, as soon as it has served the purpose for which it is submitted.

§ 1811.1-2 Statement required of married women and widows.

(a) A married woman, or widow, who is required to furnish evidence of citizenship in this country in connection with an application or entry under the public land laws must furnish a statement showing the facts upon which she bases her claim to such citizenship. (See 8 U.S.C. 1435 (a), (c), and 1482.)

(1) A married woman must show the date of her marriage if both she and her husband are not native born.

(2) A widow must show the date of her marriage and the date of the death of the husband.

(3) If a married woman or widow claims citizenship through her husband, she must show the facts as to his citizenship and that they were married prior to September 22, 1922. If he acquired such citizenship by naturalization, satisfactory evidence of the naturalization must be furnished in the manner provided by § 1811.1-1.

(4) If applicant was married prior to March 3, 1931, she must show the facts as to her husband's citizenship. An applicant who married on or after March 3, 1931, need not make any showing as to the citizenship of her husband.

(b) An applicant who claims citizenship through her own naturalization separate and apart from the naturalization of the husband or who bases her right to file a particular application on the filing by herself of a declaration of intention to become a citizen must in the manner provided by § 1811.1-1, furnish satisfactory evidence of her naturalization or of the filing of the declaration.

(c) An applicant who fails to make the showing required, as stated, should be allowed 30 days from receipt of notice within which to do so, or to appeal.

Subpart 1812—Qualifications of Practitioners

§ 1812.1 General.

§ 1812.1-1 Regulations governing practice before the Department.

Every individual who wishes to practice before the Department of the Interior, including the Bureau, must comply with the requirements of Part 1 of this title.

§ 1812.1-2 Inquiries.

No person other than officers or employees of the Department of the Interior shall direct any inquiry to any employee of the Bureau with respect to any matter pending before it other than to the head of the unit in which the matter is pending, to a superior officer, or to an employee of the unit authorized by the unit head to answer inquiries.

Subpart 1813—Public Land Records

§ 1813.1 Tract books and plats.

§ 1813.1-1 Notations to records.

(a) Section 2295 of the Revised Statutes (43 U.S.C. 163), provides in part that:

The manager of the land office shall note all applications under the provisions of this chapter (5—Homesteads) on the tract books and plats of his office, and keep a register of such entries.

(b) While this section applies to homestead applications only, it is nevertheless necessary that notations shall be made on the tract books and plats of all applications and entries of public lands, regardless of their character, in order that the status of a tract may be readily ascertained by the officer or person examining either tract book or plat, and the manager shall cause the proper notations to be made on the plats as well as at the tract books.

(c) All withdrawals, reservations, classifications, designations under the Enlarged Homestead Act, and similar orders affecting the disposition of the land should be noted on the margin of the plats as well as on the tract books.

§ 1813.1-2 Availability of copies.

When it is necessary for the manager due to the pressure of current busi-

ness relating to the entry of land, to refuse to fill an order for a plat or diagram, the fee received should be returned to applicant and he advised of the reason therefor. There is no objection to the manager furnishing to the party a list of the names of persons or companies located in his city who follow the business of preparing such diagrams, but the list should be complete and be arranged in alphabetical order. Under no circumstances should he recommend any person or company.

§ 1813.1-3 Lists of abstracters and attorneys.

If asked for a list of abstracters doing business in his city, or for a list of attorneys resident in such city who practice before his office, the manager in complying with the request, should make the list complete, and arranged in alphabetical order.

§ 1813.1-4 Filing of township plats.

(a) After acceptance of a survey, the original plat thereof will be returned to the State Director, the duplicate plat will be retained in the files of the Bureau of Land Management in Washington, D.C., and the triplicate plat will be forwarded to the appropriate land office. The plat will be placed on record in the open files of the respective offices immediately upon receipt thereof and will then be available to the public as a matter of information only with respect to the technical data and descriptions appearing thereon; copies of such plat and the related field notes will be furnished upon request and payment of the costs as provided in § 2.4 of this title. When the manager of the land office is instructed to file the plat without the usual public notice, such plat will be regarded as officially filed in his office on the date of receipt.

(b) If public notice of the filing of the plat is to be given, the authorized officer shall prepare the notice for publication in the FEDERAL REGISTER.

§ 1813.2 Copies of records and papers.

§ 1813.2-1 Homestead entry papers.

(a) No photographic certified copy of homestead entry papers, where the entry was made prior to June 22, 1874, and was for less than 160 acres, will be made, except for Government use. All certified copies of such entry papers, for other than Government use, must be typewritten. Where a blank form is used the blank spaces must be typewritten.

(b) No tracing of any signature, or imitation thereof, to papers in such homestead entries shall be made by any attorney, agent, or other person, for private use.

§ 1813.2-2 Fees for copies made by managers.

(a) The performance of any service by managers or by the employees of their offices for which personal remuneration or compensation is received is prohibited, except as to cases where an officer or employee receives fees or compensation expressly allowed by law. Nor shall such service be performed save in the course of official duties and during office hours, and persons not officially connected with any office, even though Government employees, shall not be admitted to that office outside of office hours, unless the public interests are involved in the purpose for which such admission is desired or requested, in which event the manager is authorized to extend the working hours for such purpose.

(b) When certified copies of records are requested and the pressure of public business will not permit of the work being done by the office force, the parties desiring same, if desk room is available, may be permitted to make such copies, but before certification by the manager, copies thus made must be carefully compared by his office force and he will charge therefor the fees allowed by law.

§ 1813.2-3 Fees for certification of copies made by private party.

The same fees must be collected for comparing the copies made by the parties desiring them, and certifying to their correctness, under § 1813.2-2 as are collected for copies prepared by the land office force and certified by the manager.

§ 1813.3 Serial register.

§ 1813.3-1 Inspection of serial register.

The serial register is a public record and may be reasonably inspected by any person, provided such examination may be made without interfering with the orderly dispatch of public business. Should the manager ascertain that any person is obtaining information therefrom for improper purposes, he will deny such person further access thereto.

§ 1813.4 Production of records in court.

§ 1813.4-1 Statutory authority.

Whenever, pursuant to the act of April 19, 1904 (33 Stat. 186; 43 U.S.C. 13), the

manager shall be served with a subpoena duces tecum or other valid legal process requiring him to produce, in any United States court or in any court of record of any State, the original application for entry of public lands or the final proof of residence and cultivation or any other original papers on file in the Bureau of Land Management on which a patent to land has been issued or which furnish the basis for such patent, it shall be the duty of such manager to at once notify the Director of the Bureau of Land Management of the service of such process, specifying the particular papers he is required to produce, and upon receipt of such notice from any manager the Director of the Bureau of Land Management shall at once transmit to such manager the original papers specified in such notice, and attach to such papers a certificate, under seal of his office, properly authenticating them as the original papers upon which patent was issued. The said act also provides that such papers so authenticated shall be received in evidence in all courts of the United States and in the several State courts of the States of the Union. (33 Stat. 186; 43 U.S.C. 13)

CROSS REFERENCE: For testimony of employees and use of books, records and files in judicial and administrative proceedings, see §§ 2.6 and 2.20 of this title.

Subpart 1815—Disaster Relief

AUTHORITY: The provisions of this Subpart 1815 issued under secs. 2, 11, 80 Stat. 1316, 1321; 42 U.S.C. 1855aa, 1855gg.

SOURCE: The provisions of this Subpart 1815 appear at 32 F.R. 3059, Feb. 18, 1967, unless otherwise noted.

§ 1815.0-5 Definitions.

(a) *Major disaster.* As defined in section 2 of the Disaster Relief Act of 1966 (80 Stat. 1316), hereinafter called "the Act," "major disaster" means any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe in any part of the United States which, in the determination of the President, is or threatens to be of sufficient severity and magnitude warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States and local governments in alleviating the damage, hardship, or suffering caused thereby, and respecting which the governor of any State (or the Board of Commissioners of the District of Columbia) in which such catastrophe may occur or threaten certifies the need for disaster

assistance and shall give assurance of expenditure of a reasonable amount of the funds of the government of such State, local governments therein, or other agencies, for the same or similar purposes with respect to such catastrophe.

§ 1815.1 Extensions of time in public land matters.

§ 1815.1-1 Authority.

Section 11 of the Act (80 Stat. 1321) authorizes the Secretary of the Interior to grant an extension of time to the holder of any lease, license, permit, contract, or entry on lands administered by the Bureau of Land Management where a major disaster has impeded timely fulfillment of requirements and where rights of other parties will not be prejudiced by such relief.

§ 1815.1-2 Application for relief.

(a) *Place of filing.* The application shall be filed in the proper land office (see § 1821.2-1 of this chapter).

(b) *Fees.* Application for an extension of time under this subpart must be accompanied by a nonrefundable service fee of \$10.

(c) *Form of application.* No special form of application is required.

(d) *Contents of application.* An application for relief under this subpart shall state:

(1) The law under which the lease, license, permit, contract, or entry was issued.

(2) The date of issuance and any other identification number.

(3) The extent to which requirements had been fulfilled prior to the disaster.

(4) The nature of the disaster.

(5) The effect of the disaster on performance under the lease, license, permit, contract, or entry.

(6) An estimate of the time which will be needed to overcome the delay in performance caused by the disaster.

(7) Steps taken or to be taken to overcome the effects of the disaster and to assure that an extension of time will permit completion of performance.

§ 1815.1-3 Requirements for relief.

The authorized officer may grant relief where the following conditions are met:

(a) The obligations or work required by the lease, license, permit, contract, or entry were prosecuted timely and with due diligence up to the time of the occurrence of the disaster;

(b) The disaster which impeded prosecution of the work was a major disaster as defined in section 2 of the Act (80 Stat. 1316).

(c) The granting of relief by an extension of time will not prejudice the rights of other parties; and

(d) The granting of relief by an extension of time will not adversely affect the public interest.

§ 1815.1-4 Length of extension of time.

(a) The length of extension of time granted will be determined by the circumstances in each case. Consideration will be given to the condition in which the disaster left the applicant or the land involved, and sufficient time will be given to allow the applicant to fulfill the requirements of his lease, license, permit, contract, or entry.

PART 1820—APPLICATION PROCEDURES

Subpart 1821—Execution and Filing of Forms

Sec.	
1821.1	Names of claimants.
1821.2	Office hours; time and place for filing.
1821.2-1	Office hours of land offices; place for filing.
1821.2-2	Time limit for filing documents.
1821.2-3	Simultaneous applications.
1821.2-4	Use of certified mail.
1821.3	Oaths.
1821.3-1	Elimination of the requirements.
1821.3-2	Officers qualified.
1821.3-3	Identity of applicant to be established prior to administering oath.
1821.3-4	Attachment of jurat.
1821.3-6	Officers qualified to administer oaths in Alaska.
1821.4	Notations on applications.
1821.4-1	Notation of rights-of-way.
1821.4-2	When notation required.
1821.4-3	When notation not required.
1821.5	Entries for lands in more than one land district.
1821.5-1	Governing regulations.
1821.5-2	Applications and fees to be filed in each office.
1821.5-3	Mining claims.
1821.5-4	Public offerings.
1821.6	Amendments.
1821.6-1	Authority.
1821.6-2	Application to amend; form; where filed.
1821.6-3	Showings required.
1821.6-4	Publication of notice; statements of witnesses.
1821.6-5	Amendments in exercise of equitable powers.
1821.6-6	Entry improperly allowed not to be amended.
1821.6-7	When amendment becomes effective.